

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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Dr. Douglas Schottenstein,

Plaintiff,

—v—

American Society for the Prevention of Cruelty to  
Animals (ASPCA), *et al.*,

Defendants.

20-cv-9961 (AJN)

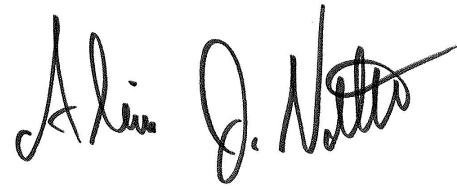
ORDER

ALISON J. NATHAN, District Judge:

On March 9, 2021, the parties requested that the Court defer entry of a case management plan due to the fact that they believed they were close to a settlement agreement in principle. Dkt. No. 25. The Court adjourned the initial pretrial conference accordingly and directed the parties to inform the Court whether they seek referral to the assigned Magistrate Judge for settlement purposes. Dkt. No. 26. The Court has not heard from the parties since. The parties are ORDERED to confer and to submit a status update to the Court within one week of this order. In the status update, the parties shall inform the Court whether they seek referral to the Magistrate Judge for settlement purposes or, alternatively, whether they seek entry of the Rule 26(f) case management plan. Plaintiff is advised that failure to respond to this order by May 28, 2021 may result in the action being dismissed with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting “a district judge’s authority to dismiss actions based on a plaintiff’s failure to prosecute”).

SO ORDERED.

Dated: May 21, 2021  
New York, New York



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ALISON J. NATHAN  
United States District Judge